

## **IC 35-46-3**

### **Chapter 3. Offenses Relating to Animals**

## **IC 35-46-3-1**

### **Harboring a non-immunized dog**

Sec. 1. A person who knowingly or intentionally harbors a dog that is over the age of six (6) months and not immunized against rabies commits harboring a non-immunized dog, a Class C infraction. However, the offense is a Class B misdemeanor if the dog causes bodily injury by biting a person.

*As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.94.*

## **IC 35-46-3-2 Repealed**

*(Repealed by P.L.193-1987, SEC.17.)*

## **IC 35-46-3-3**

### **"Animal"**

Sec. 3. As used in this chapter, "animal" does not include a human being.

*As added by P.L.193-1987, SEC.6.*

## **IC 35-46-3-4**

### **"Animal fighting contest"**

Sec. 4. As used in this chapter, "animal fighting contest" means a conflict between two (2) or more animals. The term does not include a conflict that is unorganized or accidental.

*As added by P.L.193-1987, SEC.7.*

## **IC 35-46-3-4.3**

### **"Animal fighting paraphernalia"**

Sec. 4.3. As used in this chapter, "animal fighting paraphernalia" means equipment used to train or condition animals for participation in an animal fighting contest.

*As added by P.L.76-2002, SEC.2.*

## **IC 35-46-3-4.5**

### **"Law enforcement animal"**

Sec. 4.5. (a) As used in this chapter, "law enforcement animal" means an animal that is owned or used by a law enforcement agency for the principal purposes of:

- (1) aiding in:
  - (A) the detection of criminal activity;
  - (B) the enforcement of laws; and
  - (C) the apprehension of offenders; and
- (2) ensuring the public welfare.

(b) The term includes, but is not limited to, the following:

- (1) A horse.
- (2) An arson investigation dog.
- (3) A bomb detection dog.

(4) A narcotic detection dog.

(5) A patrol dog.

*As added by P.L.213-1997, SEC.2. Amended by P.L.9-2003, SEC.1.*

### **IC 35-46-3-5**

#### **Exceptions from chapter; electrocution**

Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

(1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.

(2) Conduct authorized under IC 15-5-7.

(3) Veterinary practices authorized by standards adopted under IC 15-5-1.1-8.

(4) Conduct authorized by a local ordinance.

(5) Acceptable farm management practices.

(6) Conduct authorized by the Indiana Meat and Poultry Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules adopted under IC 15-2.1-24 for state or federally inspected livestock slaughtering facilities.

(7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

(8) Destruction of a vertebrate defined as a pest under IC 15-3-3.6-2(22).

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 15-2.1-5-1, a research facility licensed by the United States Department of Agriculture, a college, or a university.

*As added by P.L.193-1987, SEC.8. Amended by P.L.2-1993, SEC.188; P.L.1-1995, SEC.76; P.L.137-1996, SEC.74; P.L.41-1998, SEC.1.*

### **IC 35-46-3-6**

#### **Impoundment of animals; probable cause hearing; penalties; custody; bond**

Sec. 6. (a) This section does not apply to a violation of section 1 of this chapter.

(b) Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-5-12-3 may take custody of the animal involved.

(c) The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days

after the animal has been impounded, a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or IC 15-5-12-3, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

(d) If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-5-12 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-5-12 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.

(e) This subsection applies only to livestock animals. Whenever charges are filed under this chapter, the court shall appoint the state veterinarian under IC 15-2.1-2-50 or the state veterinarian's designee to:

- (1) investigate the condition of the animal and the circumstances relating to the animal's condition; and
- (2) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.

(f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:

- (1) Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal.
- (2) If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal.

The state veterinarian or the state veterinarian's designee who submits a recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.

(g) The court:

- (1) shall give substantial weight to; and
- (2) may enter an order based upon;

a recommendation submitted under subsection (f).

(h) If a person is convicted of an offense under this chapter or IC 15-5-12, the court may impose the following additional penalties against the person:

- (1) A requirement that the person pay the costs of caring for an animal involved in the offenses that are incurred during a period

of impoundment authorized under subsection (b).

(2) An order terminating the person's right to possession, title, custody, or care of an animal that was involved in the offense.

(i) If a person's right to possession, title, custody, or care of an animal is terminated under subsection (h), the court may:

(1) award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals; or

(2) order the disposition of the animal as recommended under subsection (f).

*As added by P.L.193-1987, SEC.9. Amended by P.L.176-1993, SEC.6; P.L.166-1993, SEC.5; P.L.14-2000, SEC.75; P.L.76-2002, SEC.3.*

### **IC 35-46-3-7**

#### **Abandonment or neglect of vertebrate animals**

Sec. 7. A person having a vertebrate animal in the person's custody who recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a Class B misdemeanor.

*As added by P.L.193-1987, SEC.10.*

### **IC 35-46-3-8**

#### **Purchase or possession of animals for fighting contests**

Sec. 8. A person who knowingly or intentionally purchases or possesses an animal for the purpose of using the animal in an animal fighting contest commits a Class A misdemeanor.

*As added by P.L.193-1987, SEC.11.*

### **IC 35-46-3-8.5**

#### **Possession of animal fighting paraphernalia**

Sec. 8.5. A person who knowingly or intentionally possesses animal fighting paraphernalia with the intent to commit a violation of IC 35-46-3-9 commits possession of animal fighting paraphernalia, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

*As added by P.L.76-2002, SEC.4.*

### **IC 35-46-3-9**

#### **Promotion, use of animals, or attendance with animal at animal fighting contest**

Sec. 9. A person who knowingly or intentionally:

(1) promotes or stages an animal fighting contest;

(2) uses an animal in a fighting contest; or

(3) attends an animal fighting contest having an animal in the person's possession;

commits a Class D felony.

*As added by P.L.193-1987, SEC.12.*

### **IC 35-46-3-9.5**

#### **Promoting an animal fighting contest**

Sec. 9.5. A person who knowingly or intentionally:

- (1) possesses animal fighting paraphernalia with the intent to commit a violation of IC 35-46-3-9; and
- (2) possesses, harbors, or trains a dog, cock, fowl, or bird bearing:
  - (A) a scar;
  - (B) a wound; or
  - (C) an injury;

consistent with participation in or training for an animal fighting contest;

commits promoting an animal fighting contest, a Class D felony.

*As added by P.L.76-2002, SEC.5.*

### **IC 35-46-3-10**

#### **Attendance at fighting contest**

Sec. 10. A person who knowingly or intentionally attends a fighting contest involving animals commits cruelty to an animal, a Class A misdemeanor.

*As added by P.L.193-1987, SEC.13.*

### **IC 35-46-3-11**

#### **Cruelty to a law enforcement animal**

Sec. 11. (a) A person who knowingly or intentionally:

- (1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
- (2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;

commits a Class A misdemeanor.

(b) An offense under subsection (a)(1) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (4) death;

of the law enforcement animal.

(c) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or discipline; and
- (2) acted as an employee or agent of a law enforcement agency.

(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:

- (1) veterinary bills; and
- (2) replacement costs of the animal if the animal is disabled or killed.

*As added by P.L.193-1987, SEC.14. Amended by P.L.213-1997, SEC.3; P.L.9-2003, SEC.2.*

### **IC 35-46-3-11.3**

#### **Cruelty to a search and rescue dog**

Sec. 11.3. (a) As used in this section, "search and rescue dog" means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or
- (2) strikes, torments, injures, or otherwise mistreats a search and rescue dog;

commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (4) death;

of the search and rescue dog.

(d) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

(e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:

- (1) veterinary bills; and
- (2) replacement costs of the dog if the dog is disabled or killed.

*As added by P.L.9-2003, SEC.3.*

### **IC 35-46-3-11.5**

#### **Cruelty to a service animal**

Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:

- (1) blindness or any other visual impairment;
- (2) deafness or any other aural impairment;
- (3) a physical disability; or
- (4) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a service animal; or
- (2) strikes, torments, injures, or otherwise mistreats a service

animal;  
while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in the:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (4) death;

of the service animal.

(d) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or disciplining the service animal; or
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

*As added by P.L.143-1996, SEC.2. Amended by P.L.9-2003, SEC.4.*

### **IC 35-46-3-12**

#### **Torture or mutilation of a vertebrate animal**

Sec. 12. (a) This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:

- (1) the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and
- (2) the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.

(b) A person who knowingly or intentionally beats a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Class D felony if:

- (1) the person has a previous, unrelated conviction under this section; or
- (2) the person knowingly or intentionally tortures or mutilates a vertebrate animal.

(c) It is a defense to a prosecution under this section that the accused person:

- (1) reasonably believes the conduct was necessary to:
  - (A) prevent injury to the accused person or another person;
  - (B) protect the property of the accused person from destruction or substantial damage; or
  - (C) prevent a seriously injured vertebrate animal from prolonged suffering; or
- (2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.

*As added by P.L.193-1987, SEC.15. Amended by P.L.41-1998, SEC.2; P.L.132-2002, SEC.1.*

**IC 35-46-3-13**

**Removal of attack dog's vocal cords; animal cruelty**

Sec. 13. (a) A person who knowingly or intentionally removes the vocal cords of a trained attack dog commits cruelty to an animal, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the accused person reasonably believes that the conduct was necessary to prevent a seriously injured dog from prolonged injury.

*As added by P.L.76-2002, SEC.7.*